



Fish & Richardson P.C.
222 Delaware Avenue
17th Floor
P.O. Box 1114
Wilmington, DE 19899-1114
302 652 5070 main
302 652 0607 fax

March 28, 2022

The Honorable William C. Bryson
United States Court of Appeals
717 Madison Place, N.W.
Washington, DC 20439

Warren K. Mabey, Jr.
Principal
mabey@fr.com
302 778 8456 direct

Re: *FG SRC LLC v. Xilinx, Inc.*, No. 20-cv-00601-WCB

Dear Judge Bryson:

Today, Xilinx, Inc. filed a Motion for Protective Order (“Motion”) (D.I.133). To date, plaintiff FG SRC has served over 80 subpoenas to customers of Xilinx and has stated that it intends to continue serving additional subpoenas over the next two weeks. For the reasons stated in the Motion, Xilinx does not believe that FG SRC has a reasonable basis for these subpoenas, which have resulted in extensive unnecessary costs for Xilinx’s customers and for Xilinx. In the Motion, Xilinx seeks a protective order barring FG SRC from serving new third party subpoenas to Xilinx’s customers and requiring FG SRC to withdraw any subpoenas for which it cannot demonstrate a true basis for an alleged belief that the customer practices the patented method at issue in this case. Given the sheer number of subpoenas served to date and FG SRC’s express statement that it will not cease serving such subpoenas, Xilinx respectfully requests that the Court set an expedited briefing schedule on the Motion.

Respectfully submitted,

/s/ Warren K. Mabey, Jr.

Warren K. Mabey, Jr.

cc: Counsel of Record (via E-File)